

1 THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3 CARI GOODWINE, :  
4 Plaintiff :  
5 :  
6 v. : Case No. 04-142E  
7 :  
8 PHB DIE CASTING, :  
9 Defendant :  
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Deposition of WILLIAM HILBERT, taken before  
and by Sonya Hoffman, Notary Public in and for the  
Commonwealth of Pennsylvania on Wednesday, April  
13, 2005, commencing at 10:09 a.m., at the offices of  
Knox McLaughlin Gornall & Sennett, P.C., 120 West  
Tenth Street, Erie, PA 16501.

For the Plaintiff:

Jeff A. Connelly, Esquire  
Connelly Law Office  
824 Hilborn Avenue, Suite 1  
Erie, PA 16505

For the Defendant:

Richard A. Lanzillo, Esquire  
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Reported by Sonya Hoffman  
Ferguson & Holdnack Reporting, Inc.

## I N D E X

WILLIAM HILBERT

Direct Examination by Mr. Connelly . . . . . 3

1           W I L L I A M     H I L B E R T, first having  
2           been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. CONNELLY:

7 Q. Mr. Hilbert, my name is Jeff Connelly, and we're  
8 here to take some depositions regarding the Cari Goodwine  
9 lawsuit. Have you had your deposition taken before in other  
0 cases?

11 A. Regarding this?

12 Q. No, other cases. Are you familiar with the  
13 procedure?

14 A. Yes, vaguely.

15           Q.    Basically, just a few things: One, if there's  
16 anything that I ask you and you're not sure of, rather than  
17 maybe the whole process becoming confused with what I'm  
18 asking and what you're saying, ask me to make it more clear  
19 or ask Rich. And if there's anything that you have any  
20 questions about concerning what my meaning is, make it clear  
21 to me.

22 And if there's any yes or no answer, a shake of  
23 the head, she can't take down. And I do that all the time,  
24 so I'll probably do it more than you do.

25 I have to ask you, are you under the influence of

1 any medication or drugs or anything that would hamper your  
2 memory?

3 A. Just old age.

4 Q. We're all getting there. And other than that, do  
5 you have any questions of me right now?

6 A. No. I've got one problem, can I get out by  
7 noontime?

8 Q. Yes. I'm going to be very brief with you, okay?

9 A. Okay.

10 Q. One thing I want to you ask about, I received  
11 Answers to Interrogatories that I gave to your attorney, are  
12 you familiar with those answers? Did you review them?

13 MR. LANZILLO: I don't think he knows what you're  
14 talking about, and the answer is, no, he did not.  
15 That was coordinated by the HR director. In fact,  
16 I'm surprised if Mr. Hilbert has ever even seen  
17 those before.

18 Q. Then these are signed by -- so you're not  
19 familiar -- you don't know whether these answers are --  
20 personally, you don't know whether these answers are  
21 accurate or not.

22 A. True, yes.

23 Q. And these were signed by Ben Hancock. He's a  
24 personnel director?

25 A. Yes.

1 Q. Does he have any ownership in PHB?

2 A. Yes, he does. He's a -- we have an ESOP -- our  
3 company is an ESOP, so he has a few shares.

4 Q. Let me ask you this: Is he an officer in the  
5 corporation at all?

6 A. No.

7 Q. Would you then explain to me exactly why he was  
8 the one that verified the answers to these questions when  
9 he's not a party to this lawsuit?

10 MR. LANZILLO: Well, let me just interject with an  
11 objection and notation, to the extent that you  
12 know. And in fairness to the witness, I selected  
13 Ben Hancock because he was the man in the best  
14 position to coordinate the gathering of  
15 information and the person with the most direct  
16 knowledge as opposed to Mr. Hilbert.

17 MR. CONNELLY: But then can we agree then that his  
18 answers represent accurately the corporation's  
19 position?

20 MR. LANZILLO: To that extent, Mr. Hancock has  
21 verified the information. To the best of his  
22 knowledge, information, and belief those are the  
23 responses served on behalf of PHB.

24 MR. CONNELLY: Well, okay. He was -- that's fine.

25 BY MR. CONNELLY:

1           Q.    Let me just ask you a few questions, then, Mr.  
2 Hilbert:  In your personal knowledge of Mr. Goodwine, did  
3 you ever have an opportunity to meet with him?

4           A.    Yes.

5           Q.    Do you remember how often?

6           A.    Two or three times.

7           Q.    Do you recall what the subject of the meetings  
8 were?

9           A.    Once I was talking to his little -- his children  
10 that he had in the plant when I was giving him a turkey.

11          Q.    Okay.

12          A.    And in reference to him, he was on light duty --  
13 or no, he was on S & A at the time and I asked him how he  
14 was doing, et cetera, and the kids came in and that was it.  
15 Quick, brief. One time when it was involving this  
16 situation -- maybe two times when it was involving this  
17 situation, but I -- that would be it.

18          Q.    When you say "this situation", to what are you  
19 referring specifically?

20          A.    Why I'm here today.

21          Q.    Do you mean complaints about discrimination?

22          A.    Complaints about this.

23          Q.    Things in the lawsuit?

24          A.    Yes.

25          Q.    Do you recall what the result of those meetings

1 were with Cari?

2 A. Results as far as?

3 Q. Was there any decision that anything would be  
4 done? Did the two of you come to any agreement as to what  
5 PHB might do or what Cari might do or anything like that?  
6 Was there any -- in this meeting with you concerning a  
7 complaint or concerns about discrimination, what would have  
8 transpired after that? In other words, did PHB take any  
9 steps to alleviate his concerns or anything like that or did  
10 you?

11 MR. LANZILLO: Objection to form. Go ahead.

12 A. Yes, I did. I talked to the other individuals  
13 that he was referring to were harassing him and discussed  
14 it.

15 Q. Do you recall who those individuals were?

16 A. I think one -- yeah, one of them was, of course,  
17 the Bill Darnell situation, the maintenance fellow. And who  
18 else, who else, who else, I believe Gebhardt, as I recall.

19 Q. And what was the subject matter of the  
20 conversations or what did you advise them? Mr. Darnell,  
21 what did you advise him?

22 A. I wanted to make sure what Cari had intimated that  
23 he said, and I asked him if that was right and if it was.  
24 That was about that. That brought up for the situation,  
25 then, Mr. Darnell to go to Cari and offer his apology if he

1 was indeed not communicating properly, and I think that  
2 happened. As I recall, Mr. Hancock said they did shake  
3 hands and it seemed to work rather well.

4 Q. Do you recall what the specific complaints were  
5 about Mr. Darnell?

6 A. That he had said something about -- we were  
7 putting in a new crane and we had dug a hole in the ground  
8 and he had said something. And I don't know what he said.

9 Q. Okay.

10 A. But it was taken as -- in reference to --

11 Q. I'm familiar with that.

12 A. Yes, that's the only thing.

13 Q. And how about Mr. Hancock; do you remember? Did  
14 Mr. Hancock say anything or do you recall --

15 A. He seemed to think that it went well.

16 Q. What was it that Cari was concerned about with  
17 Mr. Hancock?

18 A. No, it wasn't Mr. Hancock.

19 Q. Was there someone else?

20 A. Mr. Gebhardt.

21 Q. Mr. Gebhardt, I'm sorry. Did you speak with Mr.  
22 Gebhardt?

23 A. I spoke with him after the situation and  
24 reprimanded him for whatever that was all about and warned  
25 him that that's not the way our company should run and was

1 very disappointed.

2 Q. Okay. In the Interrogatories --

3 MR. CONNELLY: And do you have a copy of them  
4 there?

5 MR. LANZILLO: I don't, Jeff. I can have someone  
6 bring them up.

7 MR. CONNELLY: I don't have an extra copy, but  
8 let's see if I can make it clear.

9 MR. LANZILLO: Okay.

10 Q. There are a list of approximately 15 -- or 19  
11 people that were interviewed, it says, "Interviewed  
12 regarding our discussions concerning complaints served by  
13 Mr. Goodwine." Are you familiar with those, or would this  
14 be something that I would have to ask Mr. --

15 MR. LANZILLO: I can tell you this, Mr. Hilbert  
16 was not consulted.

17 MR. CONNELLY: So we're not going to be getting a  
18 whole lot from these regarding personal knowledge?

19 MR. LANZILLO: No.

20 MR. CONNELLY: We're going to have to set him up,  
21 Hancock.

22 MR. LANZILLO: Okay. We can talk about scheduling  
23 afterwards.

24 MR. CONNELLY: Okay. We'll do that afterward.

25 Q. Besides Mr. Gebhardt and Mr. Darnell, did you

1 speak to anyone else regarding Cari at all that you can  
2 remember?

3 A. No.

4 Q. Do you have an antidiscrimination policy at PHB?

5 A. Yes.

6 Q. And is that posted?

7 A. Yes.

8 Q. What does it -- what is it? What is your  
9 antidiscrimination policy?

10 A. I would be kidding if I thought I could tell you  
11 exactly what it is, but it says that we do not permit any  
12 harassment or -- what's the word I want, discrimination of  
13 any sort.

14 It would also say that religious, sexual, all the  
15 normal things that would be in a harassment policy, it's  
16 there. It's part of our handbook that's given out when you  
17 come in as an employee. It's posted.

18 Q. I believe a while ago there was a lawsuit filed by  
19 a Fred Jackson. Do you remember Mr. Jackson?

20 A. Oh, yes.

21 Q. Are you familiar with what the outcome was of  
22 that?

23 A. Yes.

24 Q. Was there an order issued by -- or a compromise  
25 between yourself -- your company and Mr. Jackson?

1 A. After a very lengthy --

2 Q. Yeah, I know how long they can be.

3 A. Yes, there was.

4 Q. And what was that?

5 A. We agreed to pay what the judge told us we should  
6 agree to pay.

7 Q. How much?

8 A. \$10,000, which ended up being about \$6,000 after  
9 taxes.

10 Q. What about, was there anything else in the order  
11 as to the regards of PHB doing anything and posting any kind  
12 of policy or anything like that?

13 A. There was, and I can't tell you exactly what it  
14 was right now. And we also had in the agreement that a --  
15 some kind of a clause that the lawyers put in to tell you  
16 that we didn't really agree, but we agree. We agree to  
17 agree, whatever you guys call that.

18 MR. CONNELLY: We'll ask him to clarify.

19 MR. LANZILLO: In the clause there's no admission  
20 of liability. It's a compromised disputed claim.

21 MR. CONNELLY: You said I could look at that file,  
22 correct?

23 MR. LANZILLO: Yes. Let me know and you can come  
24 over whenever it's convenient.

25 MR. CONNELLY: I'm happy about that.

1           Q.    When Mr. Gebhardt was -- well, let me ask you this  
2 first: In the Interrogatories, it says that PHB has  
3 conducted training sessions, participated in training  
4 sessions for employees where they received education. And  
5 this is the training schedule that I was just given; would  
6 that be it?

7           A.    Uh-huh.

8           MR. LANZILLO: Jeff, just to be fair to you, I've  
9           given you documents that I believe were produced  
10           as part of the EEOC file, as well as the initial  
11           disclosure. Those relate to a particular training  
12           session. And in the documents produced in  
13           response for your request for production of  
14           documents, we provided you a training log for all  
15           the employees as well as other training schedules.

16           Q.    Approximately, how many classes did each employee  
17           have to go to; if you know?

18           MR. LANZILLO: If you remember.

19           A.    That, you better ask Ben Hancock.

20           Q.    Do you know who conducted those trainings?

21           A.    I introduced it, I recall, whenever we had a  
22           training session, and Mr. Zamboldi.

23           MR. LANZILLO: Yes.

24           Q.    Okay. Gary Gebhardt was ordered to take a  
25           diversity training class.

1 A. Yes.

2 Q. Was that done through you or was that done through  
3 some other -- or was that as a directive that came from you?

4 A. It came from PHB.

5 Q. And it was scheduled for February 15th and he  
6 didn't -- they cancelled that class; is that correct?

7 A. Yes.

8 Q. Was there any attempt to set up another class or  
9 find another class for him to attend?

10 A. I would think so, but I don't know that.

11 Q. Okay. How is the -- basically, the work  
12 hierarchy, like supervisors, line foremen, managers, how  
13 does it work at PHB? You have the workers, and then who  
14 is -- can you give me who is above whom all the way to you.

15 A. Well, you got the worker, you got the foreman --  
16 shift foreman. And then whatever particular department  
17 you're in, you have the department manager who the foreman  
18 would report to. And then the department manager reports to  
19 the operations officer who reports to me.

20 Q. Okay.

21 A. It's not real complicated where we are.

22 Q. Referring back to Jackson, how long ago did that  
23 start; do you recall, approximately?

24 MR. LANZILLO: The proceedings, do you mean, Jeff?

25 MR. CONNELLY: Yeah, the lawsuit.

1 A. This would be a guess --  
2 Q. Yes.  
3 A. -- it started four years ago.  
4 Q. Okay. When did it end?  
5 A. Approximately, a year and a half or so later.  
6 Q. Do you have what they call a bad-boy list?  
7 A. Yes.  
8 Q. How did that get that name?  
9 A. I think it was set -- I can't tell you that, I  
10 don't know, but I got a hunch it was the union who decided  
11 to call it that, the union president.  
12 Q. It's just a slang name that they have for it?  
13 A. Yes.  
14 Q. That's what I thought.  
15 MR. LANZILLO: That's a dysphemism.  
16 MR. CONNELLY: He's waited all day -- probably all  
17 year to say that.  
18 MR. LANZILLO: I've never gotten to use that word.  
19 It's taking a relatively innocuous or innocent  
20 thing and attaching a stigmatizing language to it.  
21 It's the opposite of a euphemism.  
22 Q. On the bad-boy list, from what I understand, it's  
23 that if there's basically a large amount of absences that  
24 are unexplained or unexcused, they're put on that list. And  
25 then the second year, it's basically if they're absent more

1 than three times, even with a doctor's excuse, they stay on  
2 that list. "That if the employee's on corrective policy for  
3 a second or subsequent year, a doctor's slip will not excuse  
4 an absence but may be used to treat multiple days of absence  
5 as a single occurrence."

6                   Was that negotiated between the company and the  
7 union?

8                   A. I can't say that you're right in what you just  
9 said, I would have to review it.

10                  Q. I was quoting from the information I was given.

11                  A. But it's in our handbook for the union and it  
12 would have to be negotiated. And I believe it was  
13 negotiated in our last contract, but, again, that's all I  
14 know at this point.

15                  Q. Do you have any personal knowledge of -- I know  
16 Cari missed a lot of days and was placed on that list. Do  
17 you have any personal knowledge as to why he missed -- had  
18 as many absences as he did?

19                  A. I know he missed an awful lot of days, an awful  
20 lot of days. I believe part of it was probably S & A would  
21 be one of the reasons. Other than that, no, I don't. He  
22 did have a -- I think he took some voluntarily layoffs when  
23 business got slow.

24                  Q. When you say --

25                  A. But that wouldn't be --

1 Q. When you say "S & A", what do you mean?

2 A. Sickness & Accident. But that would be -- again,  
3 something would be in his personnel records that we have.

4 Q. Do you recall having any conversations with anyone  
5 regarding his absences, anyone in PHB, yourself?

6 MR. LANZILLO: At any particular time, Jeff?

7 Q. It would be at the time or after.

8 A. At the time of these accusations?

9 Q. No. While he was -- let's put it this way: He  
10 was missing a lot of work, was it ever brought to your  
11 attention that Cari, specifically Cari, was? Or is that  
12 something that's just handled by the managing staff?

13 A. It was -- it's usually just the human resource's  
14 opportunity. Reports are given and they're general reports.

15 Q. Okay. Do you have any personal knowledge of  
16 Cari's work history besides that he -- what you were told,  
17 that he missed days and the facts of this lawsuit and those  
18 couple of meetings that you had with him? Were there any  
19 other instances that you can recall where you discussed Cari  
20 with anyone?

21 A. No.

22 Q. How many, if you know, black individuals are in  
23 management at PHB?

24 A. In management?

25 Q. Yes.

1           A. There used to be a couple of foremen --  
2 supervisors, I guess. But they declined to continue to be  
3 foremen and went back to regular hourly employees. And  
4 black people in management, I don't think we do have any,  
5 unless I'm mistaken, but I don't think so.

6           Q. And how does an individual get promoted at PHB,  
7 like move up, from worker to a foreman or to a supervisor?  
8 What has to be done?

9           A. Performance.

10          Q. And who decides how they're promoted or who  
11 decides when they're promoted?

12          A. Well, if we're going to have a position open, we  
13 would post it. That would be one way they would find out  
14 about it. And then they would apply for it. And then their  
15 education, their backgrounds, their work habits, their  
16 attendance, all those things that would be normally reviewed  
17 would be how you would do it and you'd pick the best of  
18 the --

19          Q. Who would make the decision? Would it be a group  
20 or would it be one individual?

21          A. I depends upon the position you're looking to.

22          Q. All right.

23          A. Like, give me an idea of what position you're  
24 talking about.

25          Q. Let me ask you this: Would it be the more

1 important the position, the more individuals from PHB would  
2 be involved in the hiring?

3 A. Say that again.

4 Q. The more important the position, the more --

5 A. Yes. There's also a group of four or five that  
6 will interview the particular person and then they give  
7 their opinions, et cetera. And if it's an important  
8 position, I have the final say.

9 Q. Of those individuals that interviewed, do you know  
10 who they would be? Or what positions they would have, if  
11 not specifically their names?

12 A. They go to foreman, it could be a foreman.

13 MR. LANZILLO: I'm going to object to form, it's a  
14 little vague.

15 MR. CONNELLY: It is a little vague.

16 Q. Well, you said that there was a -- generally  
17 there's an interview process and four or five people are  
18 involved. How do you select or who selects those four or  
19 five people to do the interview?

20 A. Well, usually the people that they'd be working  
21 for and with. There aren't that many opportunities if  
22 you're thinking -- are you referring to coming into the  
23 front office and being an account manager or a --

24 Q. No. I'm referring to workers and how they would  
25 move up in the corporation. How the workers would move up

1 in the -- the physical workers.

2 A. In the shop?

3 Q. The laborers, yes, in the shop.

4 A. When we would have that opportunity, we would  
5 depend upon the division manager -- or the department  
6 manager, absolutely.

7 Q. He would make the recommendation?

8 A. He would recommend it.

9 Q. Would that be posted though?

10 A. Sure.

11 Q. And then would they go to him and say they were  
12 interested and then he would basically make a decision as to  
13 who he thought was qualified?

14 A. There's a system that we go through.

15 Q. Would that be the system or what is it?

16 A. If you're going to depose Ben, you want to ask Ben  
17 that.

18 Q. Okay.

19 A. I've got about 700 people and it's hard for me to  
20 do all these things.

21 Q. No problem.

22 A. There was a time when I knew it.

23 Q. Sometimes it's better not to know everything -- or  
24 not to have to. And it's your contention and your belief, I  
25 would -- if my understanding is correct, that you do not

1 believe that there was any racial discrimination at PHB?

2 A. I don't think so.

3 Q. Okay. And do you -- if there is, if it's brought  
4 to your attention, what would your steps be?

5 MR. LANZILLO: I'll object to form, it's a very  
6 broad --

7 Q. If you got a specific complaint of discrimination,  
8 how would you respond to that?

9 MR. LANZILLO: Same objection. Go ahead, do the  
10 best you can.

11 A. How would I respond? You know, even though we are  
12 a good-sized company with a lot of people, I do know most of  
13 the people somehow. I don't know all their names but I've  
14 been in all the departments as a leader at one time or  
15 another in my long history in manufacturing. I celebrated  
16 50 years yesterday, how's that?

17 Q. Congratulations.

18 A. I started when I was 10. But, anyway -- now, I've  
19 got to get back to the question. Ask me the question again.

20 Q. How would a complaint be --

21 A. First it would go to Mr. Hancock, who would then do  
22 his investigation of the situation. And then he would go to  
23 his managers of the particular departments, whatever. And  
24 it would eventually come to me when they have what they're  
25 going to do about it.

1                   When it would get to me, if I knew the individual,  
2 I would interview them and ask them what's going on and get  
3 his side of the story. And that's about how I would do it.

4           Q.    In your knowledge, if there are -- if there is a  
5 complaint made to human resources or to a supervisor, is it  
6 investigated?

7           A.    It certainly is.

8           Q.    Is that your policy?

9           A.    Absolutely.

10           MR. CONNELLY: I'm done. See. What I do want to  
11 tell you is you have the right, before I get that,  
12 to read it to make sure it's correct, if you want  
13 to.

14           MR. LANZILLO: I'll take care of that, Mr. Hilbert  
15 will read.

16

17                   (Deposition concluded at 10:39 a.m.)

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